

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00 EB-07

FMC-01 INR-07 NSAE-00 SAL-01 CG-00 DLOS-06 OES-06

FEA-01 ERDA-05 AID-05 CEA-01 CIEP-01 FPC-01 H-01

INT-05 L-03 NSC-05 OMB-01 PM-04 USIA-06 SP-02 SS-15

STR-04 TRSE-00 ACDA-07 PA-01 PRS-01 /107 W

----- 024254

R 070725Z DEC 76

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 4024

INFO COMUSJAPAN YOKOTA AB JA

CINCPAC HONOLULU HI

C O N F I D E N T I A L TOKYO 17969

E.O. 11652: GDS

TAGS: MARR, JA

SUBJECT: TSURUMI POL FACILITY AND JAPANESE SAFETY LAWS

REF: A. STATE 164274

B. TOKYO 9602 DTG 241039Z JUN 76

SUMMARY: JOINT COMMITTEE DECEMBER 2 REACHED AGREEMENT FOR DEALING WITH TSURUMI ISSUE WITHIN SOFA FRAMEWORK. ARRANGEMENTS SET FORTH PROCEDURES FOR DETERMINING DIFFERENCES BETWEEN US-JAPANESE STANDARDS APPLYING TO POL FACILITIES AND RECORD US FORCES READINESS TO ENLIST SUPPORT OF JAPANESE AUTHORITIES IN DEALING WITH THESE DIFFERENCES. PRESS REACTION HAS BEEN FAVORABLE AND EMBASSY BELIEVES AGREEMENT PROVIDES REASONABLE BASIS FOR DEALING WITH INCREASED CONCERN ABOUT ENVIRONMENTAL AND SAFETY MATTERS WHILE PRESERVING US OPERATING RIGHTS UNDER SOFA. END SUMMARY.

1. JOINT COMMITTEE DECEMBER 2 REACHED AGREEMENT RESOLVING LONG STANDING TSURUMI PROBLEM WHICH EMERGED IN JANUARY 1976 WHEN YOKOHAMA MAYOR ATSUKATA DEMANDED RIGHT TO CONDUCT MUNICIPAL INSPECTION OF NAVAL POL FACILITY AT TSURUMI (REF. B). RATHER THAN REPLYING TO MAYOR'S REQUEST, AGREEMENT PROVIDES FOR JOINT US-GOJ EXAMINATION OF RESPECTIVE STANDARDS APPLYING TO POL FACILITIES, FOLLOWED BY UNILATERAL
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US FORCES DETERMINATION OF ADDITIONAL MEASURES TO

BE TAKEN IN LIGHT OF DIFFERENCES REVEALED BY COMPARISON. IN AGREEMENT US FORCES EXPRESS READINESS TO ACCEPT APPROPRIATE ASSISTANCE OF JAPANESE AUTHORITIES, INCLUDING SUCH STEPS AS PARTICIPATION OF LOCAL OFFICIALS (WITH THEIR EQUIPMENT) WHO WOULD NORMALLY CARRY OUT SUCH FUNCTIONS UNDER JAPANESE LAW. ARRANGEMENT APPLIES ONLY TO TSURUMI AND ITS EXTENSION TO OTHER AREAS IS SUBJECT TO JOINT COMMITTEE AGREEMENT. GOJ ALSO AGREED TO REVIEW PROCEDURES AFTER REASONABLE PERIOD TO SEE WHETHER REVISION DESIRABLE IN LIGHT OF ACTUAL EXPERIENCE. COPY OF AGREEMENT AND RELATED DOCUMENTS POUCHED EA/J.

2. DECEMBER 2ND AGREEMENT REFLECTS MONTHS OF PAINSTAKING EFFORT BY ALL CONCERNED TO WORK OUT FORMULA TO MEET JAPANESE POLITICAL PROBLEMS AND PUBLIC CONCERNS WHILE PROTECTING US FORCES OPERATING RIGHTS UNDER SOFA ARTICLE III. IN CAREFULLY WORDED ORAL STATEMENT TO JOINT COMMITTEE, JAPANESE CHAIRMAN YAMAZAKI STATED GOJ VIEW THAT JAPANESE LAWS DO NOT APPLY TO US FORCES BUT THAT US FORCES SHOULD RESPECT SUCH LAWS. SECURITY DIVISION CHIEF SATO INFORMED EMBASSY SEPARATELY THAT GOJ WOULD REAFFIRM THESE VIEWS TO DIET IN EXPLAINING TSURUMI AGREEMENT.

3. PRIOR TO JOINT COMMITTEE MEETING, FOREIGN MINISTER KOSAKA BRIEFED YOKOHAMA DEPUTY MAYOR (IN ABSENCE OF ATSUKATA WHO WAS OUT CAMPAIGNING). DEPUTY MAYOR ACKNOWLEDGED THAT AGREEMENT APPEARED TO MEET SUBSTANTIVE CONCERNS AND ON DECEMBER 3RD MAYOR ATSUKATA SENT CITY OFFICIALS TO FONOFF TO PLEDGE COOPERATION IN IMPLEMENTING JOINT COMMITTEE AGREEMENT.

4. PRESS GAVE EXTENSIVE AND GENERALLY FAVORABLE COVERAGE TO AGREEMENT. YOMIURI (WHICH HAD FOLLOWED TSURUMI ISSUE CLOSELY FROM START) FRONTPAGE STORY PROVIDED DETAILS OF ACTUAL AGREEMENT, BACKGROUND OF ISSUE, AND EXTENSIVE COMMENTARY, WHICH CHARACTERIZED FORMULA AS BREAKTHROUGH. STORY NOTED THAT AGREEMENT DID NOT CONSTITUTE ENDORSEMENT OF LEGAL RIGHT OF MUNICIPAL AUTHORITIES TO CONDUCT JOINT INSPECTION BUT INSTEAD CONFIDENTIAL

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REPRESENTED PRACTICAL ARRANGEMENTS FOR INSURING PUBLIC SAFETY WITHIN SECURITY-TREATY ARRANGEMENTS. STORY QUOTED FONOFF SOURCE TO EFFECT THAT WHETHER OR NOT TSURUMI FORMULA BECOMES PRECEDENT FOR COMPARABLE SITUATIONS ELSEWHERE DEPENDS ON HOW AGREEMENT IS IMPLEMENTED AT TSURUMI.

5. COMMENT. AS EMBASSY HAS NOTED BEFORE, ENVIRONMENTAL

SAFETY MATTERS HAVE EMERGED AS SUBJECT OF MAJOR
PUBLIC CONCERN. WE BELIEVE THAT IT WILL BE ESSENTIAL
TO DEMONSTRATE THAT U.S. OPERATIONS UNDER SOFA AT
TSURUMI AND ELSEWHERE PROVIDE PROTECTION FOR PUBLIC
SAFETY EQUIVALENT TO THAT AFFORDED UNDER JAPANESE
LAW. TSURUMI FORMULA PROVIDES CONTROLLED ARRANGEMENTS
FOR TWO GOVERNMENTS TO ACHIEVE THIS PURPOSE WITHIN
SOFA FRAMEWORK. WHILE JOINT COMMITTEE AGREEMENT
APPLIES ONLY TO TSURUMI, EMBASSY BELIEVES THAT IT
PROVIDES REASONABLE APPROACH FOR RESPONDING TO
COMPARABLE CONCERNS WHICH ARE CERTAIN TO EMERGE IN
RESPECT TO OTHER US FORCES FACILITIES.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PETROLEUM, MILITARY BASES, INSPECTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976TOKYO17969
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760451-0365
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761264/aaaacdmi.tel
Line Count: 128
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 164274, 76 TOKYO 9602
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 23 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 MAR 2004 by morefirh>; APPROVED <27 SEP 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TSURUMI POL FACILITY AND JAPANESE SAFETY LAWS
TAGS: MARR, JA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006